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SUBJECT: KAZAKHSTAN: STAFFDEL WOOLFORK HEARS VIEWS ON KAZAKHSTAN'S
UPCOMING OSCE CHAIRMANSHIP

REF: A. ASTANA 1516
[1](#)B. ASTANA 2002

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[1](#)1. (U) Sensitive but unclassified. Not for public Internet.

[1](#)2. (SBU) SUMMARY: On November 11, Staffdel Woolfork met with DCMs from several European embassies, who said that Kazakhstan has made some progress on liberalization, but it needs to do more. The Spanish DCM said Spain will not support the idea of an OSCE Summit in 2010 unless there is "concrete substance to discuss." All agreed Kazakhstan could serve as "an honest broker" and will be a successful chair if it focuses on "simple and achievable" goals. The Foreign Ministry told Staffdel Woolfork that Kazakhstan is committed to fulfilling equally all the OSCE dimensions and again sought U.S. support for an OSCE Summit. Staff member Lisa Williams said the proposal to drop Kazakhstan's annual human-rights certification stalled in the Senate because of the Zhovtis case. The Foreign Ministry reiterated that Zhovtis was treated like "everybody else" and noted that international intervention in his case could be seen as interference in Kazakhstan's judicial system. At the same time, Deputy Foreign Minister Umarov seemed to suggest to the Ambassador that a solution to the Zhovtis situation might exist within Kazakhstan's legal system. END SUMMARY.

"MOVE ON FROM MADRID"

[1](#)3. (SBU) As part of their November 9-12 visit to Kazakhstan, House Foreign Relations Committee professional staff members Brent Woolfork and Lisa Williams met on November 11 with DCMs of European missions in Kazakhstan to gather views on Kazakhstan's upcoming OSCE chairmanship. Dutch DCM Maurits ter Kuile, British DCM Mike Welch, Italian DCM Ugo Boni, and Spanish DCM Beltran de Agueda Corneloup attended the meeting. Agueda Corneloup said that Kazakhstan has "certainly made some progress (on political liberalization), but much more needs to be done." Kazakhstan is willing to implement reform in "safe fields," such as the rights of children or the handicapped, noted ter Kuile, but is "extremely reluctant" to liberalize the media or political environment.

[1](#)4. (SBU) Welch added, "They are very good at paying lip service to reform, like with the Madrid Commitments, but we should move on from

Madrid. Kazakhstan should implement these (liberalizing) changes not because of their upcoming OSCE Chairmanship, but because they committed to uphold these principles in general." He commended the government's Human Rights Action Plan 2009-2012 (ref A) as a "very good document," but added that "the devil is in the implementation."

The Kazakhshtanis will regret publicizing this document widely, he joked, because NGOs and the international community are already asking about the implementation schedule. Boni responded that "not all government officials care about international opinion. The Foreign Ministry certainly cares, but it cannot control the security services."

"HONEST BROKER"

15. (SBU) Asked what to expect of Kazakhstan as chairman of the OSCE, Agueda Corneloup noted that Kazakhstan "likes to organize high-profile events, but often falls short on substance." Spain will not support the idea of OSCE Summit in 2010 unless there will be "concrete substance to discuss." (NOTE: This position contradicts Deputy Foreign Minister Kairat Umarov who told the Ambassador in ref B that Spain supports. END NOTE.) Boni ventured that Kazakhstan will be a "technical chairman and will not bring any major shifts." Welch advised the Kazakhshtanis to stick to "simple and achievable" goals and avoid "trying to solve all of the OSCE's major questions in one year." Welch does not believe Kazakhstan will "serve as Russia's puppet" in the OSCE. "They do not want to go down in history as the ones who destroyed the organization," he asserted. All agreed that Kazakhstan is a "credible bridge" between East and West and has the potential to play the role of an "honest broker." Ter Kuile said the challenge will be "to keep everything quiet at home." Welch concurred and stressed that OSCE participating states "should not stay silent" on Kazakhstan's domestic record during its chairmanship.

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MFA PUSHES FOR SUMMIT, AGAIN

16. (SBU) Staffdel Woolfork met with the Ministry of Foreign Affairs' Director of the America's Directorate, Askar Tazhiyev and the Deputy Director of the OSCE Directorate, Talgat Unaibayev. Unaibayev said Kazakhshtan will pay equal attention to all three OSCE dimensions, but will devote "extra effort" to the human dimension. Kazakhstan will focus on tolerance in the human dimension, the Aral Sea in the economic dimension, and the battle against drug- and human-trafficking in the political-military dimension. Unaibayev called an OSCE Summit in 2010 -- "our main idea for the Chairmanship" -- "timely and contemporary." He noted that French President Sarkozy, Italian Prime Minister Berlusconi, and the Russian Federation expressed support for the Summit idea. Tazhiyev added that Kazakhstan will prioritize Afghanistan. He noted that Foreign Minister-State Secretary Saudabayev raised the idea of Afghanistan as the topic for an OSCE Summit with Special Representative Holbrooke when they met at the UN General Assembly.

HUMAN-RIGHTS CERTIFICATION

17. (SBU) Tazhiyev asked about the status of the annual human-rights certification for Kazakhstan. (NOTE: Earlier in the day, Deputy Foreign Minister Kairat Umarov posed the same question to the Ambassador during the meeting reported in ref B. END NOTE.) Williams said the proposal to drop the annual certification passed the House, but the process stopped in the Senate because of the Zhovtis case. (NOTE: Prominent human rights activist Yevgeniy Zhovtis is serving four years in a resettlement colony for vehicular manslaughter after a trial and appeal marred by procedural irregularities. END NOTE.) She noted that the Zhovtis case "reverberated in Washington, but nobody wants to let one case derail the whole bilateral relationship." She explained that the Senate's most recent proposal maintains the certification but amends some of the "inflammatory" language that goes along with it. She promised to keep Tazhiyev and Kazakhstan's Embassy in Washington apprised of any developments.

ZHOVTIS CASE "BLOWN OUT OF PROPORTION"

18. (SBU) Woolfork noted that the Zhovtis case raises concerns about Kazakhstan's legal system. Tazhiyev retorted that Zhovtis was treated like "anybody else in the same situation." He repeated one Supreme Court judge's comments that international intervention in the Zhovtis case is "endangering the independence of (Kazakhstan's) judicial system." In a separate meeting, Roman Vassilenko, the Chair of the Ministry of Foreign Affairs' International Information Committee, argued that the Zhovtis case "is getting blown out of proportion." He equated the minimum-security penal colony, in which Zhovtis is serving his sentence, to a half-way house for parolees in the United States, "not a prison with barbed wire and angry guard dogs." He also noted the possibility for Zhovtis to rent an apartment close to the colony and work at his NGO's branch in Ust-Kamenogorsk. (NOTE: The prison's warden would have to approve such a request, which we have heard will probably occur. END NOTE.)

19. (SBU) COMMENT: As Zhovtis begins to serve his sentence, the Foreign Ministry is attempting to shift the focus to the "comfort" of his conditions. During a meeting earlier that same day (ref B), Deputy Foreign Minister Kairat Umarov told the Ambassador that Zhovtis' "situation is not so bad." When the Ambassador highlighted the problematic image of having a prominent human rights activist in prison on the eve of Kazakhstan's OSCE chairmanship, Umarov responded that Kazakhstan "cannot completely correct it, because it is a legal process." At the same time, Umarov pledged to continue to seek a solution. The Ambassador strongly urged Kazakhstan to use the judicial process, while fully respecting Kazakhstani law, to seek a "creative solution to this damaging situation." Umarov replied, "Let the system play itself out." END COMMENT.

10. (U) Staffdel Woolfork did not clear this cable.

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HOAGLAND